

Planning Proposal 2015-01

This is a Planning Proposal prepared under section 55 of the *Environmental Planning and Assessment Act 1979*, in relation to a proposed amendment to *Tenterfield Local Environmental Plan 2013*. It will be assessed by Tenterfield Shire Council, the NSW Department of Planning and Environment, and used for public participation on the proposed LEP amendment.

Background

Proposal To amend *Tenterfield Local Environmental Plan 2013* by incorporating a SP2 Infrastructure Zone which overlays on to the New England Highway Tenterfield Heavy Vehicle Bypass route and associated amendments to the written instrument and Map Sheets.

Property Details The Planning Proposal applies to specific Council owned land within the Tenterfield Local Government Area as identified in the attachment.

Applicant Details Tenterfield Shire Council

Land owner Various

Brief history Planning Proposal 2015-01 has been prepared to reflect the outcomes of the Roads and Maritime Services investigations into a Heavy Vehicle Bypass for Tenterfield – “Preferred Route Report – March 2015”. The Roads and Maritime Service (RMS) are the nominated acquiring authority for the heavy vehicle bypass under Clause 5.1 of Tenterfield LEP 2013.

Part 1 – Objectives or Intended Outcomes

The objective of this planning proposal is to zone land identified as the New England Highway Tenterfield Heavy Vehicle Bypass as SP2 Infrastructure – ‘classified road’ and make associated amendments to *Tenterfield LEP 2013*.

Part 2 – Explanations of Provisions

The proposed outcome will be achieved by:

- Rezoning current land zoned RU1 Primary Production and RU5 Village to SP2 Infrastructure and marked ‘classified road’;
- Amending Land Zoning Map – Sheet LZN_003B to identify the SP2 Infrastructure corridor – ‘classified road.’
- Amend the LEP written instrument to include the SP2 Infrastructure Zone into the land use tables **Attachment D**.
- Amend the Land Reservation Acquisition Map to identify the road corridor.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Roads and Maritime Services (RMS) investigated options for a Heavy Vehicle Bypass for Tenterfield and the resultant report title “New England Highway Tenterfield Heavy Vehicle Bypass – Preferred route report – March 2015” identifies the preferred route. A copy of the report is included as **Attachment A**.

2. Is the planning proposal consistent with the local council’s community plan or other local strategic plan?

The planning proposal is consistent with Tenterfield Shire Community Strategic Plan 2013-2023 - Key Priority Focus Area 1 - Our Towns, Villages & Economic Growth Direction 1.8;

1.8 Tenterfield Shire has a heavy vehicle by-pass.

The administration and ongoing maintenance of the provisions of the Tenterfield LEP 2013 enforces this strategy.

3. Does the planning proposal extinguish any interests in the land and provide justification?

No.

4. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending *Tenterfield Local Environmental Plan 2013* to identify land as SP2 Infrastructure Zone – ‘classified road’, is the only way to achieve the objectives of the planning proposal.

Section B – Relationship to strategic planning framework

5. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

The planning proposal is consistent with the *New England North West Regional Action Plan 2012*.

6. Is the planning proposal consistent with Council’s local strategy or other local strategic plan?

Council’s adopted Community Strategic Plan’s (2013-2023) Mission Statement is “*Quality Nature, Quality Heritage and Quality Lifestyle.*”

The Community Strategic Plan (2013-2023) identifies;

- Direction 1.8 Tenterfield Shire has a heavy vehicle by-pass.
- Direction 3.4 “Land use planning and management enhances and protects biodiversity and natural heritage.”

The amendment, administration and ongoing maintenance of the provisions of the Tenterfield LEP 2013 enforces this strategy.

7. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with all applicable state environmental planning policies.

8. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with section 117 directions.

Section C – Environmental, social and economic impact

9. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A major feature of the study area which was considered during the process to determine a preferred route, is the Curry’s Gap State Conservation Area located to the west of the railway corridor.

Although much of the corridor is highly modified, it does contain threatened vegetation communities and a range of identified flora and fauna species is summarised in Table 4-3 below (extract from RMS Preferred Route Report March 2015).

Flora and fauna surveys were undertaken across the area between 2012 and 2013, capturing seasonal variation and recording species, communities and habitat. The aim of the survey was to identify environmental issues and constraints, particularly critical issues that could potentially prevent the adoption of any of the original 4 proposed route options.

Table 4-3 Potential threatened fauna and flora on route corridors

Fauna

Scientific name	Common name	Threatened species listing
<i>Melithreptus gularis gularis</i>	Black-chinned Honeyeater	TSC Act vulnerable
<i>Miniopterus schreibersii oceanensis</i>	Common Bent-wing Bat	TSC Act vulnerable
<i>Ardea ibis</i>	Cattle Egret	EPBC Act migratory/marine
<i>Eucalyptus nicholii</i>	Narrow-leaved Black Peppermint	TSC and EPBC Acts vulnerable

Flora

Scientific and or common name	Threatened species listing
Blakely's Red Gum – Yellow Box grassy woodland of the New England Tableland Bioregion	TSC Act EEC and EPBC Act TEC
White Box Yellow Box Blakely's Red Gum Woodland (variant)	TSC Act EEC and EPBC Act TEC
White Box-Yellow Box-Blakely's Red Gum Grassy Woodland and derived native grasslands (variant)	EPBC Act EEC

The RMS "Tenterfield Heavy Vehicle Bypass Preliminary biological impacts report, August 2015" **Attachment E** identifies the need for further investigations in relation to the final route prior to actual construction to ascertain species impacts at that time, and any specific mitigative measures that may be required.

Council is of the opinion that the preferred route options has resulted in the least potential impact in relation to flora and fauna and none of the preliminary findings would preclude the proposed rezoning from occurring.

1. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The planning proposal identifies the corridor for future construction of a heavy vehicle bypass, with construction to be subject to future assessment processes at that time. Other potential issues identified in the Preferred Route Report (PRR) include;

- Aboriginal heritage – 2 sites were recorded as part of initial survey work (ref. pp. 25-26 of PRR)
- Non-Aboriginal heritage – a number of known and previously unknown heritage items were found across the study area, with typical items relating to historic railway uses – including the Railway Museum Complex, farming and pastoral use and bottle dumps/refuse pits (ref. pp. 26-27 of PRR).
- Noise and vibration – Day time noise exceedances were identified for 20 receivers and 33 exceedances for night time. (ref. pp.27-28 PRR).
- Visual impact
- Socio-economic impact

2. How has the planning proposal adequately addressed any social and economic effects?

The project team engaged by the RMS met with various business and community groups. Impacts identified included potential negative business due to lack of through traffic and creation of a level of uncertainty amongst the business community (ref. pp. 30-31 PRR).

Section D – State and Commonwealth interests

3. Is there adequate public infrastructure for the planning proposal?

The planning proposal identifies an infrastructure corridor.

4. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The Roads and Maritime Service have recommended that a planning proposal be prepared;

"Next steps

The road alignment will be included in the Tenterfield Shire Council's Local Environmental Plan so that the land can be reserved for future road construction and provide planning certainty for the community.

At this time there is no funding to build the preferred route."

Part 4 – Mapping

An amendment to the Land Zoning Map – Sheet LZN_003B is proposed to rezone land from RU1 Primary Production and RU5 Village to SP2 Infrastructure. A draft map identifying the proposed zone is included as **Attachment B**.

A new Land Reservation Acquisition Map is to be prepared which identifies land to be acquired by the RMS and aligns with the Property Impact Sketch mapping contained in **Attachment B1**.

Part 5 – Community Consultation

It is anticipated that broad community consultation and notification will occur as part of the formal exhibition of the planning proposal or as directed through the gateway determination process. Community consultation in relation to the preferred route was undertaken by the RMS and **Attachment C** – Tenterfield Heavy Vehicle Bypass Preferred Route Consultation Summary Report – June 2015 details the consultation to date.

Community consultation in relation to this planning proposal is considered to only be required to the minimum extent necessary as deemed by the Gateway process. In this regard, it is proposed that there be:

- Two (2) notifications of the exhibition in a locally circulating newspaper.
- An exhibition period of 28 days.

Part 6 – Project Timeline

Task	Anticipated timeframe
Date of Gateway Determination	18 September 2015
Completion of required technical information, studies	No further studies expected.
Government agency consultation (pre exhibition as required by Gateway Determination)	Concluded by 17 October 2015
Any changes made to Planning Proposal resulting from technical studies and government agency consultations. Resubmit altered Planning Proposal to Gateway panel. Revised Gateway determination issued, if required.	24 October 2015
Commencement and completion dates for public exhibition.	28 October – 27 November 2015
Consideration of submissions, report Planning Proposal post exhibition	To Council meeting 16 December 2015
Council resolves to adopt the draft LEP and forwards a request to the Department of Planning & Environment to request the Minister to make the plan.	To Council meeting February 2016

Conclusion

The planning proposal is considered to be consistent with relevant statutory and policy provisions and seeks to create a SP2 Infrastructure Zone-‘classified road’ in *Tenterfield Local Environmental Plan 2013*, by rezoning land from RU1 Primary Production and Ru5 Village, consistent with previously adopted directions.

Attachments

Attachment A – “New England Highway Tenterfield Heavy Vehicle Bypass – Preferred route report, March 2015”

Attachment B – Draft land zone map

Attachment B1 – Property Impact Sketches

Attachment C – Tenterfield Heavy Vehicle Bypass Preferred Route Consultation Summary Report – June 2015

Attachment D – Land use table

Attachment E - Roads and Maritime Services Tenterfield Heavy Vehicle Bypass Preliminary biological impacts report - August 2015

Contact Details

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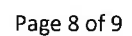
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Attachment D – Land use table

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Environmental facilities; Environmental protection works; Roads

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3